

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Shelton Bey

Cr.: 99-00191-01

Name of Sentencing Judicial Officer: John W. Bissell, U.S.D.J.

Date of Original Sentence: 01/29/01

Original Offense: Conspiracy to Distribute Heroin

Original Sentence: 66 months imprisonment followed by 3 years supervised release.

Type of Supervision: Supervised release

Date Supervision Commenced: 02/14/07

Assistant U.S. Attorney: Carolyn Murray

Defense Attorney: Tom Ashley, Esq. (Assigned)

PETITIONING THE COURT

[X] To issue a warrant

The probation officer alleges that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	The offender has violated the supervision conditions which state ' You shall not commit another federal, state, or local crime. ' and ' The defendant shall not possess a firearm or destructive device. Probation must be revoked for possession of a firearm. '
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On October 6, 2007, Bey was found by Newark police officers to be in possession of a Titan Tiger .38 caliber special revolver.

2	The offender has violated the supervision condition which states ' You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month. '
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Bey has failed to submit *Monthly Supervision Reports* for the months of August and September of 2007.

3	The offender has violated the supervision condition which states ' You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons. '
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Since commencement of supervision, Bey has failed to maintain verifiable, full time, legitimate employment. Bey was not excused by the U.S. Probation Office from the requirement of working.

4 The offender has violated the supervision condition which states **'You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.'**

On April 16, 2007 and May 30, 2007, respectively, Bey submitted urine specimens which subsequently tested positive for opiates. Additionally, Bey provided written admission to illicit drug use on his *Monthly Supervision Reports* submitted for April and July of 2007.

5 The offender has violated the supervision condition which states **'You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.'**

On or before October 9, 2007, Bey failed to notify the probation office of his arrest on October 6, 2007.

6 The offender has violated the supervision conditions which state **'You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.'** and **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

Since learning that Bey began using illicit drugs the probation office had been working with the offender to get him into detoxification and inpatient drug treatment programs. Bey has failed to follow the directives of the probation office by not following through with referrals to detoxification and drug treatment at St. Michael's Medical Center and the Bergen Regional Medical Center. In addition, Bey was referred to the probation offices mandatory drug testing program, called Code-A-Phone. In June 2007, Bey voluntarily ceased participation in that program but was not excused from doing so.

I declare under penalty of perjury that the foregoing is true and correct.

By: Paul E. Choinski
U.S. Probation Officer
Date: 10/09/07

THE COURT ORDERS:

- ☒ The Issuance of a Warrant
☒ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other



Signature of Judicial Officer



Date